International Seabed Authority ISBA/18/A/12

Assembly

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Kingston, Jamaica
16-27 July 2012

Statement by the President on the work of the Assembly of the International Seabed Authority at its eighteenth session

1. The eighteenth session of the Assembly of the International Seabed Authority was held at Kingston, from 16 to 27 July 2012. The Assembly held its 135th to 138th meetings.

I. Adoption of the agenda

2. At its 135th meeting, on 17 July 2012, the Assembly adopted its agenda for the eighteenth session (ISBA/18/A/1).

II. Election of the President and Vice-Presidents of the Assembly

3. At the same meeting, Milan J. N. Meetarbhan (Mauritius) was elected President of the Assembly for the eighteenth session. Following consultations in the regional groups, the representatives of Japan (Asia-Pacific States), Brazil (Latin American and Caribbean States), the Czech Republic (Eastern European States) and New Zealand (Western European and Other States) were elected Vice-Presidents.

III. Election to fill a vacancy on the Finance Committee

4. Also at the same meeting, the Assembly elected Han Thein Kyaw (Myanmar) as member of the Finance Committee for the remainder of the term of Zaw Minn Aung (Myanmar), who had resigned.

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IV. Request by InterRidge and Conservation International for observer status in the Assembly

5. At the same meeting, the Assembly considered requests for observer status by InterRidge and Conservation International, two non-governmental organizations, and decided to invite both organizations to participate as observers in its meetings, pursuant to rule 82 (1) (e) of the rules of procedure of the Assembly.

V. Special meeting in commemoration of the thirtieth anniversary of the signing of the United Nations Convention on the Law of the Sea

6. In accordance with the decision of the Assembly at its seventeenth session (ISBA/17/A/8), the Assembly held a one-day special meeting on 24 July 2012 to commemorate the thirtieth anniversary of the opening for signature of the United Nations Convention on the Law of the Sea on 10 December 1982 in Montego Bay, Jamaica.

7. The President of the Assembly opened the special meeting and addressed the Assembly. He said that the landmark Convention had allowed the world to celebrate a treaty addressing the concept of the common heritage of mankind, and the establishment of its appurtenant legal regime and implementing agency. He described article 136 of the Convention, which provided that the Area and its resources were the common heritage of mankind, as one of the landmarks of legal drafting of international instruments by virtue of its simple yet unambiguous affirmation of a commitment to int rnational cooperation and equity. He said that, in one simple, short sentence, unequivocal yet profoundly meaningful, the international community had changed forever the governance of the oceans. Following the address by the President of the Assembly, the Secretary-General addressed the Assembly to reflect on the Convention's significant achievements in the three decades since its adoption, and in particular in the past 18 years since its entry into force, as embodied in the work of the International Seabed Authority. On behalf of the Authority h extended, through the Most Honourable Portia Simpson-Miller, Prime Minister of Jamaica, sincere and warmest congratulations to the people of Jamaica on the fiftieth anniversary of Jamaica's independence. The Prime Minister told the Assembly that the thirtieth anniversary commemoration held special significance for her Government and people, who were celebrating 50 years of nationhood in 2012. She said that the Jamaican people were humbled by the fact that just over a decade after gaining independence, the country was able to play an active role in helping craft the landmark Convention. She also highlighted some contributions of the Convention to global political and economic development and marine environmental protection. Serguei Tarassenko, Director of the United Nations Division for Ocean Affairs and the Law of the Sea of the Office of Legal Affairs, delivered a message on behalf of the Secretary-General of the United Nations. Presentations were made during the special meeting by the following specially invited guest speakers: Satya Nandan, former Secretary-General of the Authority; José Luis Jesús, former Chair of the Preparatory Commission for the International Seabed Authority and for the International Tribunal for the Law of the Sea (1987-1994); Chris Pinto, former Chair of the Working Group on principles of

the seabed regime and conditions for exploration and exploitation in the Area at the Third United Nations Conference on the Law of the Sea; and Jean-Pierre Lévy, former Secretary of the First Committee of the Third United Nations Conference on the Law of the Sea and former Director of the Division. The presentations were followed by statements by the Chairs of the five regional groups of the Assembly and a statement by Caitlyn Antrim, Executive Director, Rule of Law Committee for the Oceans and former Deputy Representative of the United States to the Third United Nations Conference on the Law of the Sea. The special meeting concluded with remarks by Raymond Wolfe, Permanent Representative of Jamaica to the Authority, on behalf of the host country, and was followed by a screening of the film *Volcanoes of the Deep Sea* presented by Peter Rona, Professor of Marine Geology and Geophysics at Rutgers University, United States of America.

VI. Annual report of the Secretary-General

8. The Assembly considered the annual report of the Secretary-General (ISBA/18/A/2) at its 136th and 137th meetings, on 25 July 2012. At the 136th meeting, the Secretary-General introduced his report to the Assembly, as required under article 166, paragraph 4, of the United Nations Convention on the Law of the Sea. The Secretary-General reviewed the Authority's work since the seventeenth session and outlined the progress that had been made in the implementation of its work programme for the period 2012-2014.

9. The Secretary-General's report provided an account of the Authority's work over the previous 12 months, including the status of the regulatory regime for activities in the deep oceans. It also provided an overview of scientific research related to the marine environment, current world metal market trends, conditions and prices, and trends with regard to seabed mining activities. The Secretary-General informed the Assembly that, as the number of contracts for exploration increased, the Authority would come under increased pressure to develop regulations for the commercial exploitation of marine minerals and to deliver an appropriate level of environmental protection for the Area. He also told the Assembly that demand for rare earth elements, which were used in hybrid and electric cars, wind turbines, motors and magnets for many applications and for electronic devices, was expected to outstrip supply by 2014. The report also covered administrative matters, the Authority's budget as well as special funds held by it such as the Voluntary Trust Fund and the Endowment Fund for Marine Scientific Research.

10. Following the introduction by the Secretary-General, the Minister of State, Ministry of Foreign Affairs and Foreign Trade of Jamaica, Arnaldo Brown, made a statement on behalf of the Government of Jamaica, the host country of the Authority. He said that in the light of the consideration being given to the use of renewable energies to power mining operations, the Authority was being positioned to contribute to the drive towards renewable energy in view of the direct link between the development of renewable energy and the availability of rare earth elements. He said that small island developing States in particular were well positioned to benefit from, and take advantage of, the growth in marine renewable energy technologies. He informed the Assembly that, as the Authority's host country, Jamaica would launch a campaign in schools to raise awareness about the Convention and the contribution of the world's oceans to global development; that

was being done in observance of the thirtieth anniversary of the opening for signature of the Convention and to coincide with the current year's theme for World Oceans Day.

11. Statements were also made under this item by the delegations of Argentina, Bangladesh, Belgium, Brazil, Cameroon, Chile, China, Cuba, Fiji, France, Ghana, Italy, Japan, Kenya, Mexico, New Zealand (on behalf of Canada, Australia and New Zealand), Nigeria, Norway, the Russian Federation, Senegal, South Africa, Suriname, Trinidad and Tobago, Uganda and the United Kingdom of Great Britain and Northern Ireland. A statement was also made by the observer delegation of the Division for Ocean Affairs and the Law of the Sea of the United Nations Secretariat. Members expressed their general satisfaction with the detailed report and indicated their support for the work that had been undertaken during the reporting period by the Authority as part of its programme of work for the period 2011-2013.

12. Several delegations stressed the important role of the Voluntary Trust Fund in supporting the participation of developing countries in international seabed affairs. The delegation of Norway announced its Government's intention to contribute $150,000 in 2012, and the delegation of China said that its Government hoped to make a further contribution of $20,000 to the Fund in the near future, following its most recent contribution of $20,000 to the Fund in July 2012. The delegation of Japan announced that Japan had made a contribution in September 2011 of $100,000 to the Endowment Fund to support marine scientific research.

13. With regard to the issue of the lack of resources in the Authority's budget to keep up with the heavy workload associated with the increasing number of contractors, the delegation of Cameroon, with support from the delegations of Chile and Mexico, said that an urgent solution was needed in order to avoid compromising the smooth functioning of the Authority, and that the administrative costs for the review of contracts should be borne by the contractors themselves.

14. Some 10 delegations supported the need for regulations to govern commercial exploitation of resources in the Area. One delegation said that the Authority also needed to move forward and adopt the draft regulations on prospecting and exploration for cobalt-rich ferromanganese crusts. One delegation expressed concern about the training issues cited by the Secretary-General with regard to Secretariat staff.

15. The delegation of New Zealand (on behalf of Canada, Australia and New Zealand) urged the adoption of the Clarion-Clipperton Zone environmental management plan at the present session. It stressed that the plan needed to be put in place before further activities were approved in that area, to ensure effective protection of the environment. The delegations of Kenya and Norway also expressed the view that that would count as a major achievement for the session. The delegation of Mexico noted that the United Nations General Assembly (through its Ad Hoc Open-ended Informal Working Group to study issues relating to the conservation and sustainable use of marine biodiversity beyond areas of national jurisdiction) had a central role to play in the conservation of biodiversity in those areas. The delegation expressed the view that the Authority, given the significant pool of scientific and technical information it had gathered on marine biodiversity, should assume a leadership role in the work of the working group, particularly in the light of the possible formulation of an instrument complementary to the Convention. That view was endorsed by the delegations of Argentina, Bangladesh and Brazil.

16. The delegation of India commended the steps made by the Authority to convene an expert group to address issues relating to the implementation of article 82, paragraph 4, of the Convention. The delegation of Trinidad and Tobago echoed that sentiment, noting that the resources of the outer limits of the continental shelf beyond 200 nautical miles was assuming greater importance given the work being done by the Commission on the Limits of the Continental Shelf which had already made recommendations to some coastal States allowing them to establish the outer limits of their continental shelf. That would put those States in a position to explore and exploit the mineral resources and sedentary species of that maritime zone.

17. The proposed new pattern of meetings, which would see the Legal and Technical Commission meeting twice annually, met with support from several delegations. The delegation of the United Kingdom also deemed that to be the best way forward, but warned that the new arrangements should be undertaken in the most cost-effective manner possible.

18. The Secretary-General responded to certain comments made by delegations. Regarding one delegation's appeal for information on the Authority's website to be translated into languages other than English, Spanish and French, the Secretary-General said that there were no resources to expand the website at the present time. In response to a comment from another delegation concerning training of staff, the Secretary-General differentiated between the training opportunities funded by the Endowment Fund and skills training for members of the Secretariat staff, for which there was inadequate funding. He assured the Assembly, however, that funds were in place for the taxonomy workshops planned to take place over the next biennium.

VII. Adoption of the budget and scale of assessments

19. At its 138th meeting, on 27 July 2012, the Assembly considered the report of the Finance Committee contained in document ISBA/18/A/4-ISBA/18/C/12, the proposed budget contained in document ISBA/18/A/3-ISBA/18/C/7 and the scale of assessments for the financial period 2013-2014. On the basis of the recommendations of the Council of the International Seabed Authority contained in document ISBA/18/C/13, the Assembly adopted the decisions contained in document ISBA/18/A/7.

VIII. Approval of the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts

20. At the same meeting, the Assembly considered and approved the Regulations on Prospecting and Exploration for Cobalt-rich Ferromanganese Crusts in the Area, as provisionally adopted by the Council at its 181st meeting, on 26 July 2012, and contained in the annex to document ISBA/18/C/23. The decision of the Assembly is contained in document ISBA/18/A/11.

IX. Appointment and report of the Credentials Committee

21. At its 136th meeting, on 25 July 2012, the Assembly appointed its Credentials Committee in accordance with rule 24 of its rules of procedure. The following were

elected members of the Credentials Committee: Argentina, Germany, Ghana, Guyana, Japan, Myanmar, Russian Federation, Senegal and United Kingdom. Subsequently, Andrey Todorov (Russian Federation) was elected by the Committee as its Chair.

22. The Committee held one meeting, on 25 July 2012, during which it examined the credentials of representatives participating in the eighteenth session of the Assembly. The Committee had before it a memorandum by the secretariat dated 25 July 2012 on the status of those credentials. The report of the Committee is contained in document ISBA/18/A/8.

23. At its 138th meeting, on 27 July 2012, the Assembly adopted the report of the Committee. The decision of the Assembly relating to credentials is contained in document ISBA/18/A/9.

X. Election of the Secretary-General

24. At the same meeting, the Assembly, in accordance with article 160, paragraph 2 (b), of the United Nations Convention on the Law of the Sea, elected Nii Allotey Odunton (Ghana) as Secretary-General of the International Seabed Authority for a four-year term, from 1 January 2013 to 31 December 2016.

XI. Election of the Council

25. At its 138th meeting, on 27 July 2012, the Assembly elected the following members of the Council for a four-year period beginning on 1 January 2013, subject to the understandings reached in the regional and interest groups:

Group A

China
Japan

Group B

India

Group C

Canada
South Africa

Group D

Bangladesh
Brazil
Uganda

Group E

Argentina
Czech Republic
Guyana
Kenya
Mozambique
Namibia
Netherlands[1]
Poland
Senegal
Spain[2]
Trinidad and Tobago
United Kingdom of Great Britain and Northern Ireland[3]

26. The decision of the Assembly is contained in document ISBA/18/A/10.

XII. Dates of the next session of the Assembly

27. The next session of the Assembly will be held from 15 to 26 July 2013. It will be the turn of the Group of Eastern European States to nominate a candidate for the presidency of the Assembly in 2013.

[1] The Netherlands is elected for a four-year term as a member of group E with the understanding that it will relinquish its seat after three years to Norway for the remainder of the four-year term ending in 2016.

[2] Spain is elected for a four-year term as a member of group E with the understanding that it will relinquish its seat after one year to Norway for the year 2014.

[3] The United Kingdom of Great Britain and Northern Ireland is elected for a four-year term as a member of group E with the understanding that it will relinquish its seat after two years to Norway for the year 2015.